

DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

29142

FILE: B-216050

DATE: August 22, 1984

MATTER OF: SCEE Services Corporation

DIGEST:

Protest against agency decision to award contract under section 8(a) of the Small Business Act is not for consideration by GAO in the absence of a showing of possible fraud or bad faith on the part of government officials or a failure by agency officials to follow applicable regulations.

SCEE Services Corporation (SCEE) protests the Department of the Air Force's decision to award a contract under section 8(a) of the Small Business Act, 15 U.S.C. § 637(a) (1982), for the screening and selection of candidates under the United States Air Force Summer Faculty Research Program. SCEE, a woman-controlled small business, argues that the Air Force should allow all small business firms to compete for this requirement. We dismiss the protest.

Section 8(a) authorizes the Small Business Administration (SBA) to enter into contracts with any government agency with procuring authority and to arrange for performance of such contracts by letting subcontracts to socially and economically disadvantaged small business concerns. The agency contracting officer is authorized "in his discretion" to let the contract to SBA upon such terms and conditions as may be agreed upon by the procuring agency and SBA. In light of this broad discretion, we do not review agency determinations to award contracts under section 8(a) unless there is a showing of possible bad faith or fraud on the part of government officials or that applicable regulations have not been followed. M G L Construction Inc., B-210766, Feb. 22, 1983, 83-1 C.P.D. ¶ 184; Kings Point Mfg. Co., Inc., 54 Comp. Gen. 913 (1975), 75-1 C.P.D. ¶ 264.

SCEE does not allege fraud or bad faith on the part of government officials or that regulations have not been followed. Accordingly, the protest is dismissed. We point out, however, that it is SBA policy to consider any adverse

029821

27144

impact on small businesses before agreeing to accept procurements under the 8(a) program. Therefore, the protester, if it desires, may provide appropriate information concerning the adverse impact on it of an 8(a) award to SBA for that agency's consideration.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel